

BARRIERS TO THE PAYMENT OF COURT-ORDERED CHILD SUPPORT

**A Pilot Project to Design a Case-Management Model
To Improve the Regularity of Payment**

Research conducted with:

**Fredericksburg District Office
Virginia Division of Child Support Enforcement**

December 2001

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FINDINGS AND RECOMMENDATIONS

March 1, 2000 – April 1, 2001

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Principal Investigators:

**Grant Prillaman
Jerry Tracy**

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RESEARCH OVERVIEW

GOAL

To assess the impact of a pilot case-management model and of non-custodial parent (NCP) court-ordered referrals for service on the regularity of payment by non-custodial parents with a history of irregular or non-payment

TIME FRAME

We assessed the impact of the Barriers Project pilot year from the start-up of referrals in March 2000 through April 1, 2001. This period corresponds to the tenure of Case Manager Helen Oglesby.

TARGET POPULATION

The **Target Group** consisted of 113 non-custodial parents (NCPs) referred by the family court (i.e., the Spotsylvania Juvenile & Domestic Relations Court) to the Barriers Project and its case manager. They received an assessment and a minimum of 30 days of case-management services, which included, but was not be limited to, referral to additional services through the Community Partners Network. Within the Target Group, there were two subsets for which information is reported separately, when available:

- Non-custodial parents with case management intervention alone
- Non-custodial parents also receiving referrals to service providers.

The NCPs were those who appeared in the Spotsylvania Juvenile & Domestic Relations Court for failure to make court-ordered child support payments. They can be characterized, generally, as “willing, but unable, to pay” because they faced certain identifiable barriers to regular payment.

The **Comparison or Control Group** consisted of 29 NCPs brought to court for non-payment in the Westmoreland Juvenile and Domestic Relations Court, who would qualify for the Barriers Project but could not be referred because the Project was not available in that court. Those NCPs were identified by the Fredericksburg district office, which also provided the data on outcome measures for this group.

Both family courts are in the Fredericksburg child support “district,” i.e., assigned to the Fredericksburg District Child Support Office for enforcement. The Fredericksburg office has a caseload slightly more than 14,000 cases. Virginia works cases both administratively and judicially, with about 70 percent administrative and 30 percent judicial.

Barriers In the initial phase of the Project, five common barriers facing NCPs in the Target Group were identified through extensive interviews with them and court attorneys, as well as interviews with child support staff and a review of the literature in the field. The barriers are visitation, conflict between parents, vocational issues, size of arrearage relative to income, and institutional status as a DCSE customer.

As a source of conflict between the parents, visitation and restrictions placed on it can contribute to non-payment of support. Conflict between parents is symptomatic of more basic causes such as poor problem-solving skills and a lack of mediation or counseling between parents, e.g., on how to have a functional family relationship *after* separation and divorce. Vocational issues include loss of employment, incarceration, injury or illness that affects regular earnings, and seasonal employment. The size of the arrearage relative to one's income, especially when combined with periods of unemployment, incarceration, or injury/illness, contributes to non-payment. Finally, whether child support staff understand and treat these "willing, but unable, to pay" NCPs as fundamentally different customers than the "not willing, but able, to pay" NCPs can also contribute to irregular or non- payment.

Community Partners Network The Community Partners Network includes those agencies in the Fredericksburg region that agreed to provide direct services to Barriers clients, upon DCSE referral. The services available through each agency and the barriers they address are listed in the table in Appendix B.

OUTCOME MEASURES

For the Target Population, the following quantitative outcomes were measured for the pilot year:

- 1) **IMPOSITION OF SANCTIONS** (both administrative and court-imposed)
 - a) any administrative sanctions threatened or carried out for the Comparison Group (only automatic sanctions occur for the case-management group during the Project), and
 - b) all Show Cause orders issued by the court including, but not limited to, additional court appearances, jail sentences, court-imposed fines, and loss of driver's licenses
- 2) **NUMBER AND SIZE OF SUPPORT PAYMENTS**
The comparative number and size of payments (relative to actual support ordered)
- 3) **NUMBER AND SIZE OF PAYMENTS TO ARREARS (PERCENTAGE REDUCTION IN ARREARAGE)**
The comparative number and size of payments (relative to total arrearage), excluding seizures
- 4) **SIZE OF MONTHLY PAYMENT AND PERCENTAGE OF TOTAL DEBT REDUCTION**
The comparative size of monthly obligated payments and the percentage of total debt reduction, six months prior to their Show Cause order and after participating in the Project

5) **REDUCTION IN THE COST OF JAIL TIME FOR NON-PAYMENT**

Relative reduction in cost to the community, resulting from fewer jail days for non-support, between 1999 and 2001

6) **JAIL COSTS AVOIDED THROUGH THE BARRIERS PROJECT**

Savings to localities and the state attributable to Barriers clients, resulting from not having to serve some portion, or all, of the original sentence

IN ADDITION, for the group receiving case management, we have:

- 1) Identified the number and type of services received (and, thus, referrals pursued), and compared the payment and jail data for those receiving each level of intervention, as well as sanctions data for those in the Comparison/Control Group.
- 2) Assessed the impact of case management and the Barriers Project overall for each client in the Project. Interviews included questions on Project impact on interagency communication.
- 3) Determined the impact of case management and the specific services received from the Community Partners Network, and compared their assessments of DCSE and the court to those not receiving case-management services.
- 4) Identified the impressions and perspectives of DCSE staff, attorneys for the NCPs, and the Juvenile and Domestic Relations (J & DR) Court judge on the success of and issues facing the Project.

METHODOLOGY

- 1) A substantial portion of the quantitative outcome measures was developed during the pilot and tracked by the consultants and case manager. Following review and analysis of the data provided, the consultants addressed outstanding questions on the data in an interview.
- 2) DCSE attorney Mary Ellen Forehand and Fredericksburg staff gathered sanctions data for the comparison group. Attorney Forehand works with both the Spotsylvania and Westmoreland courts.
- 3) To obtain Qualitative Data, individual interviews were conducted with four groups:
 - 11 NCPs who received case-management services (including referral). The district office sent letters to those in the sample in advance, to alert them to the researchers' calls and to request their participation. *NOTE: The sample of 50 NCPs chosen for interview proved almost impossible to contact, despite weeks of repeated telephone calls. This was due in part to the lack of current contact information, an issue addressed later in the report.*

- 8 of the 10 local attorneys representing NCPs during the pilot, and the Spotsylvania J & DR Court Judge, J. Dean Lewis
 - Staff from the 11 agencies in the Community Partners Network that received referrals during the pilot
 - District office staff, including the District Manager, the case manager, and the attorney in the district office for both the Spotsylvania court, where the Project was centered, and the Westmoreland court
- 4) Data on the rate and cost of incarceration were acquired from the Rappahannock Regional Jail Authority, to analyze jail sentences and related costs for NCPs during the past two fiscal years.
 - 5) Additional research included a review of current literature and state data on trends in incarceration rates and rates of payment of child support overall.

ANALYSIS AND RECOMMENDATIONS

The resulting data were analyzed for trends, comparisons between the Target and Comparison/Control Groups, and comparisons to state and national numbers (using data provided by the central office) for rates of payment and incarceration. Specific questions explored include:

DID CASE MANAGEMENT IMPACT THE RATE AND SIZE OF SUPPORT PAYMENTS?

Findings:

- 1) Per Table 1 (page 8), *Comparative Rates of Payment*, **support payments for monthly obligations were greater for Barriers clients in all four quarters** for which data were tracked. *CAVEAT: For the fourth quarter, comparisons between the Barriers results and those in Westmoreland must be tempered by the extremely small sample (3) for the comparison group.*
- 2) **Overall rates of payment**, determined by the number of months in which a payment was made (regardless of whether it met the monthly obligation) **were equal for the Westmoreland group and Barriers clients in the 1st quarter, but significantly larger for the Barriers group in each of the following three quarters.** Eighty percent or more of the Project participants made payments each quarter, compared to between 0 and 65% of the Westmoreland group.
- 3) For Barriers participants, **the overall percentage for total obligations and arrears paid was nearly twice that of the Comparison Group in Westmoreland:** 17% compared to 9%. That 8% difference translates into \$106,966 more in payments by Barriers clients (above what would have been expected without the Barriers Project).

- 3) (cont.) The differences noted in #1-3 above can be attributed primarily to the case-management. A relatively small number of clients, 27 of the 113, were actually referred to the Community Partners Network for additional services. The evaluation could only confirm that 9 of these 27 used the services. Details on referral and service providers are included below.
- 4) Comparing the performance of Barriers NCPs six months prior to their Show Cause order (to appear in court) and after participating in the Project, analysis shows:
 - The 12% able to meet their monthly obligation for a full quarter in the prior six-month period increased from 36% in the first quarter of Barriers participation to 65% in the fourth quarter.
 - Prior to case management, Barriers' clients overall rate of payment was 6% of monthly obligation plus arrears. This rate tripled to 17% while in the Project.
- 5) Attorneys confirmed that the project was worthwhile. The majority believes it had a significant impact on the clients. Those who felt the impact was minimal saw this largely as a product of the complex problems faced by these clients. These attorneys consistently identified the need for an initial interview and/or immediate assessment, preferably at the court hearing, in order to begin the case-management and referral process as quickly as possible. They also expressed a need for initial education for each NCP on what to expect from the child support process and what their responsibilities would be: "No one does this up-front."
- 6) The small number of clients interviewed (9 of 113) found case-management to be a distinct change from earlier experience with DCSE, involving an individual they could reach and talk to, who seemed interested in helping them rather than just 'pursuing' them. Several noted that the program kept them out of jail and allowed them to reestablish payments.

Recommendations:

- The case-management component of the Project has clearly yielded results. It should be enhanced through additional staffing and administrative support. *(To increase the level of follow-up and monitoring after initial contact, OCSE funding will provide support for an additional 17 months and include technical assistance for current and additional staff.)*
- Appropriate caseload size needs to be defined for case managers, using similar Social Service positions (e.g., CPS, foster care) as guidelines.
- An orientation program that describes DCSE processes, guidelines and expectations needs to be implemented, ideally at the time of the court hearing.
- If possible, assessments or the initial interview should also take place at the time of the court hearing.

TABLE 1

COMPARATIVE RATES OF PAYMENT**WESTMORELAND CONTROL GROUP VS. BARRIERS PROJECT CLIENTS****May 1, 2000 – March 31, 2001**

	1st Quarter ¹ Westmoreland vs. Barriers		2nd Quarter Westmoreland vs. Barriers		3rd Quarter Westmoreland vs. Barriers		4th Quarter Westmoreland vs. Barriers	
	West.	Barriers	West.	Barriers	West.	Barriers	West.	Barriers
NCPs Paying Monthly Obligations ²	34% 10/29	36% 38/106	25% 5/20	42% 41/98	33% 4/12	43% 29/63	0% 0/3	65% 13/20
NCPs Paying Down Arrears ³	21% 6/29	34% 38/113	25% 5/20	46% 43/94	17% 2/12	48% 29/60	0% 0/3	47% 7/15
NCPs Making Payments ⁴	83% 24/29	83% 94/113	65% 13/20	81% 79/98	67% 8/12	80% 56/70	0% 0/3	80% 28/35

	WESTMORELAND	BARRIERS
Total Monthly Obligations	\$ 48,253	\$ 261,277
Total Arrears Owed	\$314,351	\$1,018,395
Combined Total Owed	\$362,604	\$1,279,672
Combined Total Paid	\$ 31,916	\$ 222,136
Percent Paid of Combined Total Owed	9%	17%

¹ “Quarter” = the first 3 months after an obligation has been established; time frame varies by NCP

² Current Support only

³ Paid over and above Current Support

⁴ Payment of some amount, not necessarily equal to the obligation

DID CASE MANAGEMENT IMPACT THE RATE AND SIZE OF PAYMENTS TOWARD ARREARS?

Findings:

- 1) Per Table 1, *Comparative Rates of Payment*, **payments to reduce arrears were significantly greater in each quarter for Barriers Project clients**, even allowing for the small sample size in Westmoreland during the fourth quarter. For Barriers participants, the quarterly rates of payment toward arrears, determined by the number of months in which clients paid more than their monthly Current Support obligation, were a minimum of 13% and an average of 28% higher.
- 2) Also shown in Table 1, Barriers participants' rate of Total Payments (Current Support plus Arrears) was nearly twice the rate of the comparison group (17% vs. 9%).
- 3) These improvements can be attributed largely to the case-management component of the project, since few referrals to agencies in the Community Partners Network were made or completed during the pilot.

Recommendations:

- The Fredericksburg district office should implement separate accounting/tracking for monthly obligation and arrears payments (by principal and interest) for Barriers clients. In reviewing current reports, we were unable to determine the degree to which the NCPs were reducing their accumulated debt. It is important for both NCPs and staff to see the patterns of debt accumulation and payments. Monthly or quarterly statements to NCPs would make them more knowledgeable and, potentially, more responsible customers.
- Review DCSE policy concerning the accumulation of debt. With arrears building during times of little or no income, the amount owed "creates a debt that will never be paid."⁵ Taking its cue from work in other states, Virginia might consider approaches such as non-payment periods (e.g. during incarceration, disability), revision of minimum obligations during times of unusual hardship, arrearage 'caps,' and forbearance of interest to avoid unmanageable debt that leads to non-payment. Ideally, these would be handled administratively, not through the court.

DID CASE MANAGEMENT REDUCE TIME IN COURT OR THE NUMBER OF DAYS IN JAIL FOR NON-PAYMENT?

Findings:

- 1) Of the 1536 days served for non-support in Spotsylvania County in FY 2001, at the Rappahannock Regional Jail, Barriers clients served 91 days (6%).

⁵ Center for Law and Social Policy, Testimony before U.S. House of Representatives, Committee on Ways and Means, Subcommittee on Human Resources, April 27, 1999.

- 2) The 91 days stand in stark contrast to the 9,750 days sentenced for Barriers clients. In addition, all of the remaining time was suspended, and none invoked, as a result of improved payments.
- 3) If Barriers clients had served their full sentences, the additional cost to the community (at a daily jail cost of \$39.27) would have been \$382,883. Even if Barriers clients had served only 50% of their sentences, the savings would still have exceeded \$190,000 in one year. Had they served even 25% of the time sentenced, the savings would have exceeded \$95,000.
- 4) Correspondingly, cumulative time in court was reduced since these clients did not return to court for subsequent sentencing. That clearly resulted in a cost savings in the time required of:
 - The judge and court staff, including clerks
 - DCSE staff, including the attorney and court Specialist
 - Law enforcement staff who serve subpoenas.

No reliable figures are available from the local court to determine the actual cost of individual court appearances. Nor is it possible to determine reliably the number of appearances that would have been required for a given client. *NOTE: Inmate Services Manager Patrick Marshall developed the data on jail days for FY 2001.*

Recommendations:

- Reliable data on total court costs (for the various types of support hearings) need to be developed in order to understand the overall cost of the Child Support Enforcement system. These costs are currently unaccounted for and, as such, reduce the real cost-effectiveness of these enforcement efforts.
- Ongoing data collection and management should become the responsibility of Project staff as soon as a part-time staff member is hired under the second OCSE grant. Currently, data collection occurs at the time of evaluation and consumes staff resources outside the Project.
- Case management should be expanded to those with child support orders in the regional jail, to connect those about to be released into job training and other supportive services and assist them in making payments upon return to the community. *NOTE: This is a component of the continuation study.*

DID REFERRAL TO THE COMMUNITY PARTNERS NETWORK AND ITS SERVICES IMPACT THE RATE OR SIZE OF SUPPORT AND ARREARS PAYMENTS?

Findings:

- 1) Interviews with the case manager, with service providers, and with attorneys confirm the relatively minor role played, during the pilot period, by Community Partners services such as vocational assistance, financial planning and budgeting, and additional education. Only nine Barriers participants sought and received services as a result of case manager assessment and referral:

- Five of these clients participated in programs at Germanna Community College; all are currently inactive. There is no record available of results of the education program (e.g., improved employment, certificates).
 - Two clients requested Virginia Employment Commission (VEC) services, although others may also have sought VEC help without identifying themselves as Barriers clients.
 - One pursued assistance from the Social Security Administration.
 - One sought additional adult education.
- 2) While other participants may have sought services without identifying themselves as Barriers clients, the case manager did not track them. Nor did Community Partners agencies track outcomes of clients referred by Barriers, although Germanna Community College, the Adult Education Programs, and the VEC volunteered to do so.
- 3) Two clients identified the benefits of direct services in conversations with their attorneys, and one other noted the value of referrals in their interview with the principal investigators.

Recommendations:

- The case managers should conduct increased monitoring of services, including referral letters and either contracts with or response forms from the Community Partners agencies. As noted previously, these agencies have expressed willingness to track results for Barriers cases within their own systems as well.
- Rewards and consequences should be developed for (non) follow-through by Barriers clients but should fall short of elimination from the Project, whenever possible.
- The Community Partners Network requires revitalization and ongoing support. This is a key component of the second OCSE grant. None of the agencies interviewed attended more than a single meeting of the Network, and most were not aware if it continued to exist. Regular meetings will be established, perhaps quarterly, to identify and address needs and issues in providing services to Barriers referrals.
- DCSE should investigate interagency referral-and-education efforts to identify what DCSE can provide, for example, to a VEC client, so that referral is a two-way process. This is a model that the U.S. Department of Health and Human Services has identified as promising, based on piloting the practice in 1999 in several states.

WHAT WAS THE OVERALL FISCAL IMPACT OF THE BARRIERS PROJECT DURING ITS START-UP YEAR?

Findings:

- 1) The net fiscal gain from the Project can be estimated at a minimum of \$149,000 and a maximum of \$532,000, depending on the amount of jail time avoided (see Table 2).
- 2) Had Barriers clients served their full sentences, the savings would have been \$532,000. Most child support clients, however, do not serve full sentences. Table 2 estimates differing levels of savings: a) if full sentences had been served, b) if 50% of the original sentence had been served, c) if 25% of the original sentence had been served, and d) without including jail savings.

Recommendation:

- Expand the number of case managers and Barriers staff to increase the impact of the Project on a larger number of child support clients. As demonstrated in Table 2, expansion will result in increased net community savings, through cost avoidance.

TABLE 2

NET FISCAL IMPACT OF BARRIERS PILOT PROJECT
Start-Up Year: March 1, 2000 – April 1, 2001

Payments During Study Period	\$222,136	\$222,136	\$222,136	\$222,136
Savings in Jail Cost at 100% of Sentences Served (\$39.27/day)		\$382,883		
Savings in Jail Cost at 50% of Sentences Served (\$39.27/day)			\$191,441	
Savings in Jail Cost at 25% of Sentences Served (\$39.27/day)				\$ 95,721
Total Payments plus Savings	\$222,136	\$605,019	\$413,577	\$317,857
(Less: Estimated Operating Costs)	(\$69,457)	(\$69,457)	(\$69,457)	(\$69,457)
(Less: Actual jail cost)	(\$3,574)	(\$3,574)	(\$3,574)	(\$3,574)
Net Fiscal Impact	\$149,105	\$531,988	\$340,546	\$244,826

DID THE BARRIERS PROJECT IMPROVE COMMUNICATION AMONG DCSE AND AGENCIES PARTICIPATING IN THE COMMUNITY PARTNERS NETWORK?

Finding:

- 1) Because no sustained relationship was developed between the Barriers Project and the Community Partners Network, neither the agencies interviewed nor the case manager identified improvements in their working relationships.

Recommendation:

- *See recommendation on “referral and services” above, regarding the Community Partners Network.*

IN WHAT OTHER WAYS DID THE PROJECT IMPROVE THE LIVES OF NCPs AND THEIR FAMILIES?

Finding:

- 1) The primary impact of the Barriers Project on Barriers clients was limited to the areas already noted -- increased child support payments to families and avoidance of incarceration.

Recommendations:

- In order to expand this impact into other areas of the court-referred NCPs’ lives, it is essential to build and sustain the Community Partners Network. That is where better employment opportunities; improved relations among custodial parents (CPs), NCPs, and their children; and other benefits can be realized.
- The state could also examine alternative models to support the provision of health and medical coverage for the children of these NCPs.⁶

WHAT PROJECT COMPONENTS CAN BE REPLICATED IN OTHER COMMUNITIES?

Recommendations:

- The critical issue, here, is how a child support office defines its mission. Assuming that a community wishes to define child support enforcement as more than punishment and incarceration, all components of the Barriers Project can be replicated, with the necessary funding (including, at minimum, one full-time case manager), dedicated time to establish and develop a Community Partners Network, and technical assistance on best practices.
- The second phase of this OCSE-supported initiative in the Fredericksburg district office will include a profile of the desired/ideal case-management structure: maximum caseload, staffing requirements, policies and procedures, and integration with existing enforcement activities in the office if things are to run smoothly. This profile, then, can serve as a manual for replication and adaptation of the Barriers model.

⁶ *Preliminary Action Report*, Division of Child Support Enforcement, Virginia Department of Social Services, July 28, 2000.

RECOMMENDATIONS FOR CHANGE

Recommendations:

- Current measures of success for working cases of court-referred NCPs emphasize conviction and incarceration, rather than a long-term commitment to payment on the part of the NCP or to strengthening his capacity to make those payments. Recognizing the benefits of working with those who wish to pay but cannot (as opposed to those who simply will not pay) is a prerequisite for substantial future increases in the number of NCPs who make consistent payments. This recognition must be top-down and incorporated into the existing operational definition of “successful” casework. Current criteria for job performance provide a disincentive rather than an incentive to work successfully with this population of court-referred NCPs.
- To the degree that the CP or NCP has identified visitation as an issue in non-payment, the case manager should provide supportive services and possible intervention, including seeking court enforcement of visitation orders.
- Review the policy of establishing substantial retroactive support obligations and the impact of interest charged on arrears, to determine whether these practices help create the unmanageable debt discussed earlier.
- As part of establishing a customer-based model, adequate staffing patterns must be established and maintained, in keeping with the recent staffing and caseload studies completed by both DCSE and JLARC, the state joint legislative audit and review commission.
- DCSE should search for and acquire an ‘off the shelf’ management information system for project management or incorporate a project management module into the existing automated information system, if the latter is feasible. Either approach will standardize data collection and analysis and facilitate more timely reporting.

DISSEMINATION

This report has been prepared for the Division of Child Support Enforcement and will be available online in PDF format (at www.dss.state.va.us, “Programs and Services, CSE: DCSE Publications”) and in hard copy, through the central office. *Contact:* Todd W. Areson, Manager, DCSE Research and Contract Administration, 730 East Broad Street, Richmond, VA 23219, Telephone 804-692-1463 or E-mail: txa900@dcse.dss.state.va.us.

We would be glad to share and discuss these results with other CSE offices and programs, and with communities interested in replication or adaptation -- in hard copy, by telephone, and through workshops at state, regional and national conferences on child support and related human services.

APPENDIX A

Project-Identified Barriers to the Payment of Court-Ordered Child Support

BARRIERS IDENTIFIED

(excerpted from *Barriers Project Action Report*, November 2000)

VISITATION was cited as a barrier by a relatively small number of those interviewed, compared to expectations based on national research and local anecdotal information. Visitation was cited, however, as a source of conflict between the custodial and non-custodial parent, and those negative relationships subsequently contributed to non-payment.

The respondents, including local attorneys, focused on the lack of enforcement of court-ordered visitation. None of those interviewed was able to cite an instance of a *Show Cause* based on the custodial parent's refusal to comply with a visitation agreement. There are models for administrative enforcement of visitation. In Idaho, just as for non-payment, the Fair's Fair program allows license revocation without a court hearing for failure to follow a visitation order. Similarly, dual-parenting orders may help fathers maintain support.⁷ Research has consistently shown that fathers are more likely to provide support when they are allowed regular visitation with their children.⁸

CONFLICT between parents was repeatedly cited as a significant barrier, as well as the reason for many hearings. This is due at least in part to a lack of mediation after the separation or divorce. The desire for mediation services was cited by a majority of the non-custodial parents (NCPs) interviewed, as well as many of the attorneys. Attorneys were concerned, however, about the actual quality of mediation. Their experience was of ill-trained or ill-prepared mediators and of mediators who functioned more in a counseling or advocacy role. This may lead to a preference among attorneys for the adversarial court process. "Limited impact and the perfunctory nature of some mediation is likely the result of poor resources and [minimal] investment," according to Ross Thompson, in *The Role of the Father After Divorce*.

Poor problem-solving skills were evident among most of those interviewed for the Barriers Project. Specifically, it was difficult for many to understand how to work through the system to acquire information or resolve a problem. Looking for a simple solution in a complicated situation, they often gave up in frustration or anger after one phone call or after talking to a single person or agency that could not give them the desired information.

The courts, and DCSE to a lesser degree, then become a path of least resistance, being used as a 'first strike weapon' in lieu of other, more appropriate interventions. The researchers witnessed numerous incidents where the custodial parent had filed a *Show Cause* without trying mediation, counseling, or a number of interim steps. Mediation can be part of a larger package of problem-solving supports that acknowledge the root issue of poor relationships between divorced and separated parents. Mediators can focus on reducing animosity among these parents, while giving them the opportunity to discuss issues that affect support.⁹ Some researchers have suggested mandatory court-based mediation.

⁷ Arditti, Joyce "Differences Between Fathers with Joint Custody and Non-Custodial Fathers," *American Journal of Orthopsychiatry*, April 1992.

⁸ Seltzer, Schaefer and Charng "Family Ties After Divorce: The Relationship Between Visiting and Paying Child Support," *Journal of Marriage and the Family*, 51(4): 1013-32, 1989.

⁹ Pearson, Jessica and Thoennes "The Denial of Visitation Rights: A Preliminary Look at Its Incidence, Correlates, Antecedents and Consequences," *Law and Policy*, 10 (4): 363-80, 1988.

VOCATIONAL ISSUES include the loss of employment, injury and/or illness that led to diminished pay or loss of pay, and seasonal employment. This was a barrier for the majority of those NCPs interviewed and was corroborated by both documentation and attorney feedback. In addition, a history of incarceration affects employability for obvious reasons. Unfortunately, data show that enforcement techniques such as mandatory withholding do little to strengthen the capacity to pay among underemployed persons, unless vocational training is also available.¹⁰ In the Barriers Project, the majority of persons interviewed identified employment issues as having contributed to acquiring an arrearage. For some, this was an issue of work being seasonal. Others are only qualified for minimum or low wage jobs by virtue of their education and experience and do not see themselves as able to acquire additional skills. Fully one-third of the persons interviewed had current or prior disabilities that affected their ability to work, and most had the documentation to prove it.

The erroneous perception that the majority of non-payers are ‘deadbeat dads’ can make it difficult to acknowledge valid employment issues. Non-payment is seen as a choice, even in cases where it may not be. For example, NCPs may be told to take a second job, when the real issue is skill and employability for advancement in the workforce and a higher-paying position. Retraining disabled workers and giving them the resources and skills to plan a second career is a similar issue: Without a forbearance on current obligations, NCPs may find it impossible to invest the time it takes to attend classes and training. With support, however, significant change is possible; 80 percent of the 450 NCPs in the Georgia Fatherhood Initiative are now employed and paying child support.¹¹

THE SIZE OF AN ARREARAGE and the size of an NCP’s monthly obligation as a percentage of income were cited as barriers to payment by the majority of those interviewed. This correlates strongly with recent research in numerous states and with federally sponsored research. The problem is compounded by incarceration and periods of unemployment, which are not exempted from state child support formulas in Virginia. Incarceration and low-paying jobs are seen as a choice made by the NCP, furthering the perception of them as deadbeats. This perception has two important consequences:

- With arrearages building during times of little or no income, the amount owed “creates a debt that will never be paid.”¹² When choosing between bankruptcy and insurmountable debt, many individuals choose the former. NCPs may face that choice without the option to declare bankruptcy. That does not necessarily make them deadbeats. Moreover, the practice of imposing mandatory minimums may be illegal when the NCP has neither countable nor imputed income.¹³
- When a lack of willingness is seen as the reason for non-payment, the actual inability to pay is not addressed.

¹⁰ Reichert, Dana *Broke But Not Deadbeat: Reconnecting Low-Income Fathers and Children*, National Conference of State Legislatures, July 1999, 42-5.

¹¹ Johnson, Robert “Georgia Fatherhood Initiative Helps Low-Income Men Pay Their Support,” *Child Support Report*, Office of Child Support Enforcement, June 1999.

¹² Center for Law and Social Policy, Testimony before U.S. House of Representatives, Committee on Ways and Means, Subcommittee on Human Resources, April 27, 1999.

¹³ Ibid.

The impetus for the Barriers Project was an attempt to bring *ability to pay* back into focus. Enforcement efforts have generated substantial increases in the short-term collection of support, involving almost 60 percent of NCPs with obligations. To reach the remaining 40 percent, however, requires an investment in expanding one's ability to pay. Admittedly, this is a comparatively long-term process, but it acknowledges the limited impact and marginal returns of traditional enforcement tools on many of these remaining cases.

STATUS AS A CUSTOMER and poor understanding of the CSE system were almost universal barriers among those interviewed. A failure to integrate the NCPs into the broader services system was clearly at issue: parents, staff, and attorneys alike noted that NCPs (and custodial parents, CPs, to a lesser degree) are not seen as anyone's customer.

This leads to a number of ancillary issues stemming from confusion between the roles of the court and of DCSE and confusion between the responsibilities of the NCP, CP, and DCSE staff.

- There is a difficult but desirable shift underway in the CSE mission, from recouping state funds that supported CPs and their children to empowering families so they can better support their children. This shift in emphasis requires higher levels of staffing in order to provide necessary customer service. In fact, traditional staffing levels have been inadequate for even an enforcement-only mission, as evidenced by caseloads of 1,000 or more per worker. The turnover rate within the district office and the rate of what appears to be stress-related illness are further testimony to excessive demands on present staff.

As noted by the General Accounting Office, performance in child support offices directly parallels staffing and funding levels.¹⁴ The Virginia Staffing Demonstration study made it equally clear that additional staff yield increased results and cost-effectiveness in all five of the targeted performance areas.¹⁵

- The perception that non-payment is a choice leaves DCSE as a collector, with support being provided by other agencies. Ironically, because NCPs are not seen as customers, there are few formal relationships between DCSE and service providers in the community. This means little or no support for the NCPs and little or no case management for those who have been identified as having relatively weak problem-solving skills (see *Barriers*, p. 4). Again, the district office and the Barriers Project are responding to this by developing case management on an experimental basis and by establishing partnerships with local service providers. Case management requires a much lower customer-to-staff ratio, and this project will help determine what that ratio should reasonably be.
- District office staff have clearly succeeded in their task of enforcement, exceeding state averages in collection of support payments and far exceeding national averages. A shift to viewing non-payers as customers may be difficult for many staff, as it requires a change in an historically effective organizational culture. A study in 1999

¹⁴ Turetsky, Vicki *You Get What You pay For, How Federal and State Investment Decisions Affect Child Support Performance*, December 1998.

¹⁵ *Virginia Staffing Demonstration: Final Report*, Division of Child Support Enforcement, Virginia Department of Social Services, August 2000.

by the Department of Health and Human Services found that it was more difficult for CSE staff to move into a collaborative role with Head Start and other child care agencies than the reverse.

- From the NCP's perspective, there is little to trust or depend on in the child support and court systems. Information is difficult to obtain (the state telephone system is 20 percent or more beyond capacity, according to staff interviewed), informational materials are directed at the rules and consequences of enforcement, and distinctions between the court and administrative processes are not understood. In the nearby Stafford family court, Court Service Unit staff provide orientation for NCPs, easing the feelings of intimidation and uncertainty that many feel. Comparable services have not available at the Spotsylvania and Fredericksburg family courts. This is changing in Spotsylvania, with the presence at each court session of the case manager and with referrals to the case manager by the district office attorney and the family court judges.

APPENDIX B

Table of Barriers and Community Partners to Address Them

	Goodwill	DSS (Social Services, State & Local)	RACSB [Mental Health Services, Regional]	HEALTHY FAMILIES [Preventive Services; RACSB]	SPOTSYLVANIA VOC. TECH	Regional Adult Education	GAPS IN SERVICES
VISITATION				Supervised Home Visitation, Parent Education			Transportation
VOCATIONAL	JOB Readiness Job Placement, Application and Resume, Community- Based Job Assessments, Work Clothing Vouchers <i>Fees: agencies purchase the services</i>	TANF <i>Based on eligibility</i>			Technical Training e.g., welding <i>Fee-based</i>	Basic Skills Education GED Attainment ESL Classes Citizenship Classes <i>No charge for basic services Must be 18 or older</i>	Transportation <i>Local shuttle, vehicle pool</i>
CONFLICT			MH / SA Counseling and Services <i>Sliding scale; substantial waiting list</i>				
ARREARAGE		TANF, Other Support <i>Based on eligibility</i>					Affordable Housing
CUSTOMER SERVICE		Welfare-to- Work TANF, Food Stamps, Other Support <i>Based on eligibility</i> Case Management <i>Parallel to DCSE case management</i>					Transportation

	COUNTY Extension Office	RCDV [Domestic Violence Council]	Disability Resource Center [Resources & Referral]	RCCAP [community Action Program]	Mediation Center	DRS [Rehabilitation Services, State]	VEC [Employment Commission, State]
VISITATION	Parent Education <i>No specific requirements</i> Training of Prison/Jail Population -- Mentors -- Transition -- Parent Ed. Parenting Apart: NCPs and CPs	Fresh Start <i>14-week Batterer Intervention Group for Men: \$250 up-front</i>		Parent Help: <i>Support group Open to any parent; no fee</i>	Mediation Court-Ordered Mediation <i>Referral by J&DR court</i>		
CONFLICT	Training of Prison/Jail Population -- Mentors -- Parent Ed.	Fresh Start		Parent Help: <i>Support group open to any parent; no fee</i>	Mediation Court-Ordered Mediation		
ARREARAGE	Financial Counseling <i>Specific requirements</i>				Mediation Court-Ordered Mediation <i>Referral by J&DR court</i>		

	COUNTY Extension Office	RCDV [Domestic Violence Council]	Disability Resource Center [Resources & Referral]	RCCAP [community Action Program]	Mediation Center	DRS [Rehabilitation Services, State]	VEC [Employment Commission, State]
VOCATIONAL	Training of Prison/Jail Population -- Job Skill Development -- Mentor Assignment -- Transition Mentor Programs <i>specific requirements</i> <i>NOTE: Will design programs for small groups and individuals, as needed</i>					Vocational Evaluation Training Restoration: Physical and Mental Job Placement and Follow-Up Criteria: <i>Physical or mental disability (inc. substance abuse) which is barrier to employment Expectation of benefit from services Financial criteria Unemployed, underemployed SA clients must be clean for 90 days</i>	Job Referral <i>No eligibility; must be work-ready</i> Unemployment Insurance <i>Must meet program requirements, incl. involuntary job loss, actively job hunting, etc.</i> Assessment Career Counseling Training: Referral / Vouchers Seminars Interviewing skills Resume prep. Customer services skills
CUSTOMER SERVICE	Training of Prison/Jail Population -- Mentor Assignment -- Transition <i>NOTE: Will design programs for small groups and individuals, as needed</i>	Fresh Start	Long-Term Support: <i>For those with qualifying disabilities</i>			Counseling, Support, Education Criteria as above	‘One-Stop Shop’ Case Management Labor Market Information Open to all